

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

DENISE DYNES,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Case No. 4:11-cv-207
	§	
CONSUMER PORTFOLIO SERVICES,	§	
INC.,	§	
	§	
Defendant.	§	

COMPLAINT AND DEMAND FOR JURY TRIAL

DENISE DYNES (Plaintiff), through her attorneys, KROHN & MOSS, LTD., alleges the following against, CONSUMER PORTFOLIO SERVICES, INC. (Defendant):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."
4. Defendant conducts business in the state of Texas, and therefore, personal jurisdiction is established.
5. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

PARTIES

6. Plaintiff is a natural person residing at McKinney, Collin County, Texas.
7. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)*, and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*.
8. Defendant is an alleged debt collector as that term is defined by *15 U.S.C. 1692a(6)*, and sought to collect a consumer debt from Plaintiff.
9. Defendant is a corporation located in Irvine, California.

FACTUAL ALLEGATIONS

10. Defendant contacted Plaintiff from 407-551-6400 regarding a consumer debt allegedly owed by Plaintiff.
11. Defendant communicated to a third party, Plaintiff's boyfriend, that Plaintiff allegedly owes a debt.
12. Defendant also communicated with her boyfriend's mother regarding the same debt.
13. Plaintiff subsequently requested Defendant cease communication with the above-mentioned parties.
14. Despite Plaintiff's request, Defendant has continued to contact Plaintiff's boyfriend and her boyfriend's mother.

COUNT I DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

15. Defendant violated the FDCPA based on the following:
 - a. Defendant violated §1692c(b) of the FDCPA by communicating with third parties, Plaintiff's boyfriend, and her boyfriend's mother, in connection with the collection of Plaintiffs' alleged debt; and

- b. Defendant violated §1692d of the FDCPA by engaging in conduct that the natural consequences of which was to harass, oppress, and abuse Plaintiff in connection with the collection of an alleged debt.

WHEREFORE, Plaintiff, DENISE DYNES, respectfully requests judgment be entered against Defendant, CONSUMER PORTFOLIO SERVICES, INC, for the following:

16. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*;
17. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*; and
18. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, DENISE DYNES, demands a jury trial in this case.

Dated: April 15, 2011

RESPECTFULLY SUBMITTED,

KROHN & MOSS, LTD.

By: /s/ Michael S. Agruss
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VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF TEXAS

Plaintiff, DENISE DYNES, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.

Pursuant to 28 U.S.C. § 1746(2), I, DENISE DYNES, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

3/29/2011
Date

Denise Dynes
DENISE DYNES

VERIFIED COMPLAINT

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